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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 THOMAS K. MILLS,

12 Plaintiff,

13 v.

14 ZACHERY JONES, et al.

15 Defendants.
16

No. 1:23-cv-1214 JLT SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATION AND DISMISSING
CLAIM

(Doc. 16)

17 Plaintiff is proceeding *pro se* and *in forma pauperis* in this action filed pursuant to 42
18 U.S.C. § 1983. The Court screened Plaintiff's complaint and found that he stated a single
19 cognizable a cognizable claim for excessive force but no other claims. The Court granted Plaintiff
20 leave to file an amended complaint or to notify the Court of his willingness to proceed only on the
21 excessive force claim. (Doc. 12.)

22 Plaintiff notified the Court he would not file an amended complaint and was "willing to
23 proceed on the claim found to be cognizable." (Doc. 13 at 1; Doc. 14 at 1.) The magistrate judge
24 then issued Findings and Recommendations, reiterating the finding Plaintiff stated a cognizable
25 claim of excessive force and recommending the action proceed only on that claim. (Doc. 16.)

26 The Court served the Findings and Recommendations on Plaintiff and notified him that
27 any objections must be filed within 14 days after service. (Doc. 16 at 2.) In addition, the Court
28 warned Plaintiff that the failure to file timely objections may result in a waiver of rights on

1 appeal. (*Id.* at 2, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) No objections
2 were filed, and the time to do so has passed.

3 According to 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the Court performed a *de*
4 *novo* review of this case. Having carefully reviewed the entire file, the Court concludes the
5 Findings and Recommendations are supported by the record and by proper analysis. Accordingly,
6 the Court **ORDERS**:

- 7 1. The Findings and Recommendations issued on November 6, 2023 (Doc. 16) are
8 **ADOPTED** in full.
- 9 2. This action **SHALL** proceed only on Plaintiff's excessive force claims against
10 Defendant Zachery Jones and Javier Rivera.
- 11 3. All other claims are **DISMISSED** from this action.
- 12 4. This action is referred to the assigned magistrate judge for further proceedings.

13
14 IT IS SO ORDERED.

15 Dated: **December 7, 2023**


UNITED STATES DISTRICT JUDGE